

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

PHILIPS NORTH AMERICA LLC

Plaintiff,

V.

IMAGE TECHNOLOGY CONSULTING, LLC; MARSHALL R. SHANNON, IMAGE TECHNOLOGY CONSULTING II, LLC; and AXIOM IMAGING INC.,

Defendants.

Case No. 3:22-cv-00147-G

**MOTION TO STRIKE EXPERT REPORT AND
TESTIMONY OF ALBERTO GUTIERREZ, PHD**

Image Technology Consulting, LLC, Marshall R. Shannon, Image Technology Consulting II, LLC, and Axiom Imaging, Inc. hereby move the Court to Strike the Expert Report and Testimony of Alberto Gutierrez, PhD pursuant to Local Rule 7.1(d) and Rule 702 of the Federal Rules of Evidence. Dr. Gutierrez's opinions, as expressed through his report and testimony, are nothing more than improper legal opinions that should be excluded as irrelevant, lacking any probative value, prejudicial, and confusing to the jury. Consequently, Defendants respectfully request that the Court strike and exclude the testimony and expert report of Alberto Gutierrez, PHD.

Respectfully submitted,

OTTESON SHAPIRO LLP

By: /s/ Kevin T. Schutte

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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF CONFERENCE

On August 12, 2024, counsel for Defendants conferenced with counsel for Plaintiff regarding the relief sought in the Motion to Strike. Counsel for Plaintiff stated that they are opposed to the Motion.

/s/ Kevin T. Schutte
Kevin T. Schutte

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on all counsel of record on this the 13th day of August 2024, in accordance with the Federal Rules of Civil Procedure.

/s/ Kevin T. Schutte
Kevin T. Schutte